

## HOUSE BILL NO. 324

INTRODUCED BY DRISCOLL, GUTSCHE, PARKER, WANZENRIED, EATON, SESSO, BERGREN

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE CRIME OF OBSTRUCTING HEALTH CARE FACILITY ACCESS."

WHEREAS, the Montana Legislature recognizes that access to health care facilities to obtain medical counseling and treatment is imperative for the citizens of this state; and

WHEREAS, the exercise of a person's right to protest or counsel against a medical procedure must be balanced against the right of other persons to obtain medical counseling and treatment in an unobstructed manner; and

WHEREAS, preventing the knowing obstruction of a person's access to medical counseling and treatment at a health care facility is a matter of statewide concern; and

WHEREAS, the Montana Legislature declares that it is appropriate and necessary to enact legislation prohibiting a person from knowingly obstructing another person's entry into or exit from a health care facility.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**NEW SECTION.** **Section 1. Obstructing health care facility access.** (1) A person commits the offense of obstructing health care facility access if the person knowingly obstructs, hinders, or blocks another person's entry into or exit from a health care facility. Commission of the offense includes but is not limited to knowingly approaching within 8 feet of a person who is entering or leaving a health care facility to give the person written or oral information, to display a sign, or to protest, counsel, or educate about a health issue, when the person does not consent to that activity and is within 36 feet of an entrance to or exit from the health care facility.

(2) A person convicted under this section shall be fined an amount not to exceed ~~\$1,000~~ \$100 ~~or be imprisoned for a term not to exceed 6 months, or both.~~

~~——— (3) A city or county may enact an ordinance that is more restrictive than this section if the ordinance complies with applicable United States supreme court decisions.~~

~~(4)~~(3) For purposes of this section, "health care facility" means an OFFICE OF A MEDICAL PRACTITIONER,

1 AS DEFINED IN 37-2-101, OR ANY OTHER FACILITY OR entity that is licensed, certified, or otherwise authorized by law  
2 to administer medical treatment in this state.

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4 NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an  
5 integral part of Title 45, chapter 8, and the provisions of Title 45, chapter 8, apply to [section 1].

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